REMARKS

Claims 1-8, 17-22 and 52-66 are in the application for consideration.

The undersigned appreciates the Examiner's withdrawal of the previous prior art rejections.

Independent claims 1, 17, 52 and 60 stand rejected as being anticipated by Publication No. U.S. 2002/0197793 A1 to Dornfest et al. Applicant disagrees and requests reconsideration.

The Examiner is reminded that an anticipation rejection requires that the applied reference discloses each and every of the limitations in the claim being rejected. Dornfest et al. does not do so with respect to Applicants independent claims.

Specifically, each of Applicants independent claims requires changing a rate of flow of either a constant composition oxidizer stream or a single oxidizer to the reactor during the deposit. The Examiner asserts that Dornfest et al. teaches "that varying the flow rate of the one or more oxidizers during deposition controls the chemical and physical properties of the film". However, Dornfest et al. nowhere teaches or suggests such as respects "during deposition". It is believed that the Dornfest et al. language relied upon by the Examiner is the first sentence at paragraph 65, which reads "The chemical and physical properties of the deposited BST layer can also be controlled by selectively supplying one or more oxidizers or varying the flow rate of the oxidizers." However, such statement in no way discloses or suggests any varying during the deposit of the BST layer. Indeed, the

statement even taken by itself/in a vacuum would naturally lead a person of skill in the art to conclude that such was referring to such varying with respect to different depositions, not varying flow rate during a deposition. The Examiner's interpretation of Dornfest et al. only comes from using Applicant's disclosure as a roadmap to construing a prior art statement out-of-context.

Further, the Dornfest et al. reference must be considered as a whole in interpreting its teachings, such that no individual sentence can be taken out of context nor stretched beyond the express or implied teachings of the reference. It is manifestly clear from the Dornfest et al. reference that the teachings are relative to formation of constant composition BST layers and not to barium strontium titanate comprising dielectric layers having varied concentration of barium and strontium, or varied concentration of titanium, in the layer as-deposited, and as Applicant recites in each of the independent claims. See, for example, paragraph 62 which refers to in one instance "deposition of uniform layers having a controllable layer composition", and in another instance the providing of "a more uniform deposition and increased composition consistency in the deposited material." See also paragraph 72 referring to a BST of a "high quality layer having good uniformity within the substrate and from substrate to substrate." See also paragraph 92 with reference to "BST layers having a consistent composition and a high degree of crystallinity." Clearly the collective and specific teachings are relative to individual BST films having substantially constant composition, not to

formation of varying concentration BST films as Applicant recites in its independent claims. The undersigned finds no reference in Dornfest et al. of varying flow rates of any of the precursors during deposition, and certainly not with respect to the oxidizer.

Accordingly, Applicant has demonstrated that Dornfest et al. does not teach changing rate of flow of a constant or single oxidizer stream during the deposition to effect a varying concentration of certain components in the deposited film. Accordingly, the Examiner's anticipation rejection of independent claims 1, 17, 52 and 60 is seen to be in error and should be withdrawn. Action to that end is requested.

The undersigned further asserts that such independent claims would not be obvious over Dornfest et al. due to its inherent and understood teachings of formation of constant composition BST layers for a respective deposition.

Applicants dependent claims should be allowed as depending from allowable base claims, and for their own recited features which are neither shown nor suggested in the cited art. For example with respect to dependent claims 2, 19, 53 and 62, Dornfest et al. does not even teach varying an oxidizer flow rate during deposition even once, and accordingly could not remotely suggest doing so at least twice. With respect to dependent claims 7, 8, 21, 22, 58, 59, 64 and 65, the relied upon secondary reference of Kang et al. does not overcome the deficiencies identified above with respect to Dornfest et al., and accordingly in combination therewith

does not suggest or encompass all of the limitations of such dependent claims.

The undersigned wishes to point out that a Supplemental Disclosure Statement was filed on February 11, 2003 which was understandably not reviewed by the Examiner prior to issuance of the last Office Action of February 13, 2003. Accordingly, it is respectfully requested that the Examiner review such Supplemental Disclosure Statement and provide the undersigned with copies of a 1449 with the references cited therein initialed.

Further, an additional Supplemental Disclosure Statement is filed herewith.

This application is believed to be in immediate condition for allowance, and action to that end is requested.

Respectfully submitted,

Dated: 4-14-03

By: _____
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